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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2013-250

**SUSAN MARY WILLIAMS
9730 River St., Apt. 2
Schiller Park, IL 60176**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

Registered Nurse License No. 342582

Respondent.

FINDINGS OF FACT

1. On or about October 9, 2012, Complainant Louise R. Bailey, M.ED., RN, in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation Case No. 2013-250 against Susan Mary Williams (Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit 1.)

2. On or about April 30, 1982, the Board of Registered Nursing (Board) issued Registered Nurse License No. 342582 to Respondent. The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and expired on May 31, 2012, and has not been renewed.

1 3. On or about October 9, 2012, Respondent was served by Certified Mail copies of the
2 Accusation Case No. 2013-250, Statement to Respondent, Notice of Defense, Request for
3 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
4 Respondent's address of record which, pursuant to Business and Professions Code section 4100,
5 is required to be reported and maintained with the Board, which was and is:

6 9730 River St., Apt. 2
7 Schiller Park, IL 60176.

8 4. Service of the Accusation was effective as a matter of law under the provisions of
9 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
10 124.

11 5. On or about October 24, 2012, the domestic return receipt was received by the Board
12 of Registered Nursing indicating a delivery date of October 13, 2012.

13 6. Government Code section 11506 states, in pertinent part:

14 (c) The respondent shall be entitled to a hearing on the merits if the respondent
15 files a notice of defense, and the notice shall be deemed a specific denial of all parts
16 of the accusation not expressly admitted. Failure to file a notice of defense shall
17 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
18 may nevertheless grant a hearing.

19 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
20 the Accusation, and therefore waived her right to a hearing on the merits of Accusation Case No.
21 2013-250.

22 8. California Government Code section 11520 states, in pertinent part:

23 (a) If the respondent either fails to file a notice of defense or to appear at the
24 hearing, the agency may take action based upon the respondent's express admissions
25 or upon other evidence and affidavits may be used as evidence without any notice to
26 respondent.

27 9. Pursuant to its authority under Government Code section 11520, the Board finds
28 Respondent is in default. The Board will take action without further hearing and, based on the
relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
taking official notice of all the investigatory reports, exhibits and statements contained therein on
file at the Board's offices regarding the allegations contained in Accusation Case No. 2013-250,

1 finds that the charges and allegations in Accusation Case No. 2013-250, are separately and
2 severally, found to be true and correct by clear and convincing evidence.

3 10. Taking official notice of its own internal records, pursuant to Business and
4 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
5 and Enforcement is \$10,905.00 as of November 19, 2012.

6 DETERMINATION OF ISSUES

7 1. Based on the foregoing findings of fact, Respondent Susan Mary Williams has
8 subjected her Registered Nurse License No. 342582 to discipline.

9 2. The agency has jurisdiction to adjudicate this case by default.

10 3. The Board of Registered Nursing is authorized to revoke Respondent's Registered
11 Nurse License based upon the following violations alleged in the Accusation which are supported
12 by the evidence contained in the Default Decision Evidence Packet in this case:

13 a. On or about September through August, 2011, while employed as a Registry Nurse at
14 St. John's Health Center, located in Santa Monica, California, diverted dangerous drugs and
15 controlled substances at least sixteen (16) times in violation of Business and Professions Code
16 section 2761, subdivision (a) [unprofessional conduct], and section 2862, subdivision (a) [drug
17 possession]. The total amount of narcotics which Respondent could not account for is 42.4 mg.
18 of Dilaudid, 4 mg of Morphine Sulfate, 2 Percocets, and 4 tablets of Norco.

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ORDER

IT IS SO ORDERED that Registered Nurse License 342582, heretofore issued to Respondent Susan Mary Williams, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on MARCH 29, 2013.

It is so ORDERED MARCH 1, 2013



FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

default decision_LIC.rtf
DOJ Matter ID:LA2011501306

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

1 KAMALA D. HARRIS
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2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 GLORIA A. BARRIOS
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Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. *2013-250*

11 **SUSAN MARY WILLIAMS**
12 **9730 River St. Apt. 2**
13 **Schiller Park, IL 60176**

A C C U S A T I O N

14 **Registered Nurse License No. 342582**

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN, (Complainant) brings this Accusation solely in her
19 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
20 Consumer Affairs.

21 2. On or about April 30, 1982, the Board of Registered Nursing (Board) issued
22 Registered Nurse License Number 342582 to Susan Mary Williams (Respondent). The
23 Registered Nurse License was in full force and effect at all times relevant to the charges brought
24 herein and expired on May 31, 2012, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

5. Section 118(b) of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Bureau jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under section 2892.1 of the Code, the Bureau may renew an expired license at any time within four years after the expiration.

6. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

7. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct...

8. Code section 2762 states, in pertinent part:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

.....

(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section.

COST RECOVERY

9. Section 125.3 of the Code provides, in pertinent part:

(a) Except as otherwise provided by law, in any order in resolution of a disciplinary proceeding before any board within the department or before the Osteopathic Medical Board, upon request of the entity bring the proceeding, the administrative law judge may direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

(i) Nothing in this section shall preclude a board from including the recovering of the costs of investigation and enforcement of a case in any stipulated settlement.

DRUG DEFINITION

10. **Oxycodone** is a Schedule II controlled substance pursuant to Health and Safety Code section 11055, subdivision (b)(1)(M), and is categorized as dangerous drug pursuant to Business and Professions Code section 4022.

11. **Hydromorphone (Dilaudid)** is a Schedule II controlled substance pursuant to Health and Safety Code section 11055, subdivision (b)(1)(J) and a dangerous drug pursuant to Business and Professions Code section 4022. It is a narcotic analgesic used for the relief of severe pain.

12. **Morphine Sulfate** is a Schedule II controlled substance pursuant to Health and safety Code section 11055, subdivision (b)(1)(L) and is categorized as a dangerous drug pursuant to Business and Professions Code section 4022. It is a potent opioid analgesic for relief of moderate to severe pain.

13. **Norco** is the brand name for the combination narcotic, Hydrocodone and Acetaminophen, and a Schedule III pursuant to health and Safety Code section 11056, subdivision (e) and is categorized as a dangerous drug pursuant to Business and Professions Code section 4022.

14. **Percocet** is a trade name for a combination of oxycodone and acetaminophen (**Oxycodone/apap**). It is a Schedule III controlled substance pursuant to Health and Safety Code section 11056, subdivision (e)(1) and a dangerous drug pursuant to Business and Professions Code section 4022.

FACTUAL ALLEGATIONS

15. In 2011, Respondent worked as a registry nurse at St. John's Health Center, located in Santa Monica, CA (the Hospital). At all times relevant to this matter, the Hospital uses a medication dispensing machine known as the Omnicell¹ machine. Hospital policy requires nurses not to reveal their personal access code to anyone for security reasons.

16. On September 19, 2011, Patient A, a 64-year old female, was admitted to the Hospital for a hip replacement. Per physician's orders, Patient A was to receive 2 tablets of Percocet (Oxycodone/apap) every 4 hours as needed for pain. At 10:13 am on Sept. 21, 2011, Respondent withdrew 2 tablets of Percocet. She recorded that she administered the medication at 10:20 am to Patient A on the Medication Administration Record (MAR). The patient's medical records do not reflect she received the Percocet. No record of wastage found. Medication not accounted for: 2 tablets of Percocet.

17. On September 20, 2011, Patient B, a 25-year old male, was admitted to the Hospital for back pain and urinary retention. Per physician's orders, Patient B was to receive 1 mg of Dilaudid every hour as needed for pain. At 8:02 am on Sept. 21, 2011, Respondent withdrew 2 mg of Dilaudid. She wasted 1 mg. of Dilaudid. She withdrew 2 mg of Dilaudid at 8:06 am, 10:29 am, 1:14 pm, and 3:21 pm. The MAR reflects that on Sept. 21, 2011, she administered 1 mg of Dilaudid to Patient B at 8:10 am, 9:10 am, 10:30 am, 1:35 pm, and 3:25 pm. Medication not accounted for: 4 mg of Dilaudid.

18. On September 16, 2011, Patient C, a 82-year old female, was admitted to the Hospital suffering from a fall and hip pain. Per physician's orders, Patient C was to receive 1 mg of

¹ The Omnicell is a computerized automated medication dispensing machine. The user enters a pin number to gain access and dispense medication from the machine. The machine records the user name, patient name, medication, dose, date and time of the withdrawal. The Omnicell is integrated with hospital pharmacy inventory management systems

1 Dilaudid every 2 hours as needed for pain. Respondent withdrew 2 mg of Dilaudid at 7:33 am,
2 and 8:57 am on Sept. 21, 2011. The MAR reflects that on Sept. 21, 2011, she administered 1 mg
3 of Dilaudid to Patient C at 8:55 am, and 10:55 am. No record of wastage found. Medication not
4 accounted for: 2 mg of Dilaudid.

5 19. On September 15, 2011, Patient D, a 58-year old female, was admitted to the Hospital
6 due to a motor vehicle accident. Per physician's orders, Patient D was to receive .5 mg of
7 Dilaudid every 2 hours as needed for pain. Respondent withdrew 2 mg of Dilaudid at 8:34 am,
8 1:22 pm, and 6:11 pm on Sept. 18, 2011. At 6:14 pm, Respondent wasted 1.6 mg of Dilaudid. At
9 6:36 pm, she wasted 2 mg of Dilaudid. The MAR reflects that on Sept. 18, 2011, she
10 administered .5 mg of Dilaudid to Patient D at 8:30 am, 2:00 pm, and 6:10 pm. Medication not
11 accounted for: .9 mg of Dilaudid.

12 20. Respondent withdrew 2 mg of Dilaudid at 7:48 am, 10:56 am, 1:55 pm, 3:30 pm, and
13 5:27 pm for Patient D on Sept. 19, 2011. At 5:26 pm, Respondent wasted 1.6 mg of Dilaudid.
14 The MAR reflects that on Sept. 19, 2011, she administered 2 mg of Dilaudid to Patient D at 10:55
15 am, 1:00 pm, 3:00 pm, and 5:00 pm. Medication not accounted for: .4 mg of Dilaudid.

16 21. On September 19, 2011, Patient E, a 57-year old male, was admitted to the Hospital
17 for a knee replacement. Per physician's orders, Patient E was to receive 3 mg of Morphine
18 Sulfate intravenous (IV) every 2 hours as needed for pain. Respondent withdrew 4 mg of
19 Morphine Sulfate at 1:05 pm, and 3:57 pm on Sept. 19, 2011. The MAR reflects that on Sept. 19,
20 2011, she administered 3 mg of Morphine Sulfate to Patient E at 1:25 pm, and 3:00 pm. No
21 record of wastage found. Medication not accounted for: 2 mg of Morphine Sulfate.

22 22. On September 18, 2011, Patient F, a 52-year old male, was admitted to the Hospital
23 suffering from diverticulitis. Per physician's orders, Patient F was to receive 4 mg of Morphine
24 Sulfate IV every 2 hours as needed for pain and 2 Norco tables as needed for pain. Respondent
25 withdrew 4 mg of Morphine Sulfate at 11:18 am, and 4:10 pm on Sept. 19, 2011. The MAR
26 reflects that on Sept. 19, 2011, she administered 3 mg of Morphine Sulfate to Patient F at 11:20
27 am, and 4:10 pm. No record of wastage found. Medication not accounted for: 2 mg of Morphine
28 Sulfate.

23. On September 16, 2011, Patient G, a 76-year old female, was admitted to the Hospital for a knee replacement. Per physician's orders, Patient G was to receive .4 mg of Dilaudid IV every 2 hours as needed for pain and 2 Norco tablets as needed for pain. Respondent withdrew 2 mg of Dilaudid at 8:41 am, 11:51 am, and 5:26 pm on Sept. 17, 2011. The MAR reflects that on Sept. 17, 2011, she administered .4 mg of Dilaudid to Patient G at 8:00 am, and 11:35 am. The MAR also reflects that on Sept. 17, 2011, she administered 2 tablets of Norco to Patient G at 5:40 pm. No record of wastage found. No record of withdrawing Norco from Omnicell. Medication not accounted for: 5.2 mg of Dilaudid.

24. Respondent withdrew 2 mg of Dilaudid at 7:32 am, 11:04 am, and 3:49 pm for Patient G on Sept. 18, 2011. The MAR reflects that on Sept. 18, 2011, she administered .4 mg of Dilaudid to Patient G at 8:00 am, 11:00 am, and 4:00 pm. No record of wastage found. Medication not accounted for: 4.8 mg of Dilaudid.

25. Respondent withdrew 2 mg of Dilaudid at 6:57 am for Patient G on Sept. 19, 2011. At 5:26 pm, Respondent wasted 1.6 mg of Dilaudid. The MAR reflects that on Sept. 19, 2011, she administered .4 mg of Dilaudid to Patient G at 7:30 am. Medication not accounted for: 1.6 mg of Dilaudid.

26. On September 14, 2011, Patient H, a 57-year old male, was admitted to the Hospital suffering from acute abdominal pain. Per physician's orders, Patient H was to receive .5 mg of Dilaudid every 3 hours as needed for pain. Respondent withdrew 2 mg of Dilaudid at 7:48 am, and 1:44 pm on Sept. 17, 2011. The MAR reflects that on Sept. 17, 2011, she administered .5 mg of Dilaudid to Patient H at 8:30 am, and 12:30 pm. No record of wastage found. Medication not accounted for: 3 mg of Dilaudid.

27. On September 16, 2011, Patient I, a 78-year old male, was admitted to the Hospital for hip hardware removal. Per physician's orders, Patient I was to receive 2 Norco tablets every 4 hours as needed for pain. Respondent withdrew 2 Norco tablets at 9:39 am, 10:05 am, and 5:29 pm on Sept. 17, 2011. The MAR reflects that on Sept. 17, 2011, she administered 2 Norco tablets to Patient I at 10:00 am. No record of wastage found. Medication not accounted for: 4 Norco tablets.

1 28. On August 30, 2011, Patient J, a 47-year old male, was admitted to the Hospital for
2 back surgery. Per physician's orders, Patient J was to receive .5 mg of Dilaudid every 3 hours as
3 needed for pain. Respondent withdrew 2 mg of Dilaudid at 1:07 pm, 2:54 pm, 3:59 pm, and 6:00
4 pm on Aug. 30, 2011. The MAR reflects that on Aug. 30, 2011, she administered .5 mg of
5 Dilaudid to Patient J at 1:00 pm, 4:30 pm, and 7:00 pm. No record of wastage found. Medication
6 not accounted for: 6.5 mg of Dilaudid.

7 29. On August 26, 2011, Patient L, a 29-year old male, was admitted to the Hospital
8 suffering from an ulcer. Per physician's orders, Patient L was to receive 1 mg of Dilaudid every
9 3 hours as needed for pain. Respondent withdrew 2 mg of Dilaudid at 7:29 am, 10:40 am, and
10 1:32 pm, on Aug. 27, 2011. The MAR reflects that on Aug. 27, 2011, she administered 1 mg of
11 Dilaudid to Patient L at 7:30 am, 10:45 am, and 1:40 pm. No record of wastage found.
12 Medication not accounted for: 3 mg of Dilaudid.

13 30. On August 9, 2011, Patient M, a 54-year old male, was admitted to the Hospital
14 suffering from acute pancreatitis. Per physician's orders, Patient M was to receive 1 mg of
15 Dilaudid every 2 hours as needed for pain. Respondent withdrew 2 mg of Dilaudid at 7:38 am,
16 8:07 am, 10:25 am, 12:34 pm, 1:19 pm, 3:08 pm, 4:35 pm, and 5:39 pm, on Aug. 10, 2011. The
17 MAR reflects that on Aug. 10, 2011, she administered 1 mg of Dilaudid to Patient M at 8:25 am,
18 2 mg at 10:30 am, 12:30 pm, 2:30 pm, 4:30 pm, and 6:30 pm. Respondent did not follow the
19 physician's orders, in that she administered 2 mg of Dilaudid every 2 hours, not 1 mg. No record
20 of wastage found. Medication not accounted for: 5 mg of Dilaudid.

21 31. The total amount of narcotics which Respondent could not account for is 42.4 mg. of
22 Dilaudid, 4 mg of Morphine Sulfate, 2 Percocets, and 4 tablets of Norco.

23 **FIRST CAUSE FOR DISCIPLINE**

24 **(Unprofessional Conduct)**

25 32. Respondent is subject to disciplinary action under Code section 2761, subdivision (a)
26 on the grounds of unprofessional conduct that during her employment at the Hospital, Respondent
27 was diverted narcotics. Complainant refers to and incorporates all the allegations contained in
28 paragraphs 15 through 31, as though set forth fully.

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4 **SECOND CAUSE FOR DISCIPLINE**

5 **(Drug Possession)**

6 33. Respondent is subject to disciplinary action for unprofessional conduct under section
7 2862, subdivision (a) of the Code in that during her employment at the Hospital, Respondent
8 unlawfully possessed drugs. Complainant refers to and incorporates all the allegations contained
9 in paragraphs 15 through 31, as though set forth fully.

10 **PRAYER**

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
12 and that following the hearing, the Board of Registered Nursing issue a decision:

13 1. Revoking or suspending Registered Nurse License Number 324582, issued to Susan
14 Mary Williams;

15 2. Ordering Susan Mary Williams to pay the Board of Registered Nursing the
16 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
17 Professions Code section 125.3;

18 3. Taking such other and further action as deemed necessary and proper.
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21 DATED: OCTOBER 09, 2012



for Louise R. Bailey, M.Ed., RN,
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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